



General Assembly

January Session, 2001

Raised Bill No. 1237

LCO No. 4034

Referred to Committee on Select Committee on Children

Introduced by:
(KID)

***AN ACT CONCERNING FAMILIES WITH SERVICE NEEDS AND
YOUTH IN CRISIS AND REQUIRING THE EVALUATION OF THE
COSTS AND BENEFITS OF PROGRAMS SERVING JUVENILE
OFFENDERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-148 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 When a child whose family has been adjudicated as a family with
4 service needs in accordance with section 46b-149, as amended by this
5 act, violates any valid order [which] that regulates future conduct of
6 the child made by the court following such an adjudication, a
7 probation officer, on receipt of a complaint setting forth facts alleging
8 such a violation, or on [his] the probation officer's own motion on the
9 basis of [his] knowledge of such a violation, may file a petition with
10 the court alleging that the child has committed a delinquent act by
11 reason of having violated a valid court order and setting forth the facts
12 claimed to constitute such a violation. Such child may be processed as
13 any other delinquent child under this chapter, except that (1) such
14 child shall not be held in detention prior to a hearing on such petition

15 for more than seventy-two hours excluding Saturdays, Sundays and
16 holidays; [and] (2) in entering any order that directs or authorizes
17 placement in a facility under the auspices of the Office of Alternative
18 Sanctions or commitment to the Department of Children and Families,
19 the judge shall make a determination that there is no less restrictive
20 alternative appropriate to the needs of the child and the; and (3) such
21 child shall not be placed in the Connecticut Juvenile Training School or
22 in a juvenile detention center but may be ordered to attend
23 rehabilitative programs specifically designed to meet the mental health
24 and other specific needs of children in families with service needs.

25 Sec. 2. Section 46b-149 of the general statutes is repealed and the
26 following is substituted in lieu thereof:

27 (a) Any selectman, town manager, police officer or welfare
28 department of any town, city or borough, probation officer,
29 superintendent of schools, the Commissioner of Children and Families,
30 any child-caring institution or agency approved or licensed by the
31 Commissioner of Children and Families, any youth service bureau, a
32 parent or foster parent of a child, or a child or [his] the child's
33 representative or attorney, who believes that the acts or omissions of a
34 child are such that [his] the child's family is a family with service
35 needs, may file a written complaint setting forth those facts with the
36 superior court [which] that has venue over that matter.

37 (b) The court shall refer a complaint filed under subsection (a) of
38 this section to a probation officer, who shall promptly determine
39 whether it appears that the alleged facts, if true, would be sufficient to
40 meet the definition of a family with service needs, provided a
41 complaint alleging that a child is a truant or habitual truant shall not
42 be determined to be insufficient to meet the definition of a family with
43 service needs solely because it was filed during the months of April,
44 May or June. If such probation officer so determines, [he] the probation
45 officer shall promptly either (1) refer the matter, with the consent of
46 the child and [his] the child's parents or guardian, to a suitable

47 community-based or other service provider, or (2) file a petition with
48 the court in the manner prescribed in subsection (c) of this section. In
49 either case, the probation officer shall inform the complainant in
50 writing of [his] such action. If it appears that the allegations are not
51 true, or that the child's family does not meet the definition of a family
52 with service needs, the probation officer shall inform the complainant
53 in writing of such finding. In any case in which the probation officer
54 does not file a petition, [he] the probation officer shall also inform the
55 complainant of the right of such person to file a petition pursuant to
56 subsection (c) of this section. Any person who has filed a complaint
57 pursuant to subsection (a) of this section, and who has been notified by
58 a probation officer that such officer does not intend to file a petition for
59 a family with service needs may, within thirty days after mailing of
60 such notice, file a petition under subsection (c) of this section.

61 (c) A petition alleging that a family constitutes a family with service
62 needs shall be verified and filed with the Superior Court [which] that
63 has venue over the matter. The petition shall set forth plainly: (1) The
64 facts [which] that bring the child within the jurisdiction of the court, (2)
65 the name, date of birth, sex and residence of the child, (3) the name and
66 residence of [his] the child's parent or parents, guardian or other
67 person having control of [him] the child, and (4) a prayer for
68 appropriate action by the court in conformity with the provisions of
69 this section.

70 (d) When a petition is filed under subsection (c) of this section, the
71 court may issue a summons to the child and [his] the child's parents,
72 guardian or other person having control of [him] the child to appear in
73 court at a specified time and place. The summons shall be signed by a
74 judge or by the clerk or assistant clerk of the court, and a copy of the
75 petition shall be attached to it. Whenever it appears to the judge that
76 orders addressed to an adult, as set forth in section 46b-121, are
77 necessary for the welfare of such child, a similar summons shall be
78 issued and served upon such adult if [he] such adult is not already in
79 court. Service of summons shall be made in accordance with section

80 46b-128. The court may punish for contempt, as provided in section
81 46b-121, any parent, guardian or other person so summoned who fails
82 to appear in court at the time and place so specified. If a petition is
83 filed under subsection (c) of this section alleging that a family is a
84 family with service needs because a child is a truant or habitual truant,
85 the court may not dismiss such petition solely because it was filed
86 during the months of April, May or June.

87 (e) When a petition is filed under subsection (c) of this section
88 alleging that a family constitutes a family with service needs because it
89 includes a child who has been habitually truant, the court shall order
90 that the local or regional board of education for the town in which the
91 child resides, or the private school in the case of a child enrolled in a
92 private school, shall cause an educational evaluation of such child to
93 be performed if no such evaluation has been performed within the
94 preceding year. Any costs incurred for the performance of such
95 evaluation shall be borne by such local or regional board of education
96 or such private school.

97 (f) If it appears from the allegations of a petition or other sworn
98 affirmations that there is: (1) A strong probability that the child may do
99 something that is injurious to himself prior to court disposition; (2) a
100 strong probability that the child will run away prior to the hearing; or
101 (3) a need to hold the child for another jurisdiction, a judge may vest
102 temporary custody of such child in some suitable person or agency. No
103 nondelinquent juvenile runaway from another state may be held in a
104 state-operated detention home in accordance with the provisions of
105 sections 46b-151 to 46b-151g, inclusive, Interstate Compact on
106 Juveniles. A hearing on temporary custody shall be held not later than
107 ten days after the date on which a judge signs an order of temporary
108 custody. Following such hearing, the judge may order that the child's
109 temporary custody continue to be vested in some suitable person or
110 agency. Any expenses of temporary custody shall be paid in the same
111 manner as provided in subsection (b) of section 46b-129.

112 (g) If it appears that the interests of the child or the family may be
113 best served, prior to adjudication, by a referral to community-based or
114 other services, the judge may permit the matter to be continued for a
115 period not to exceed three months. If it appears at the conclusion of the
116 continuance that the matter has been satisfactorily resolved, the judge
117 may dismiss the petition.

118 (h) If the court finds, based on clear and convincing evidence, that
119 the family of a child is a family with service needs, the court may, in
120 addition to issuing any orders under section 46b-121, (1) refer the child
121 to the Department of Children and Families for any voluntary services
122 provided by said department or, if the family is a family with service
123 needs solely as a result of a finding that a child is a truant or habitual
124 truant, to the authorities of the local or regional school district or
125 private school for services provided by such school district or such
126 school, which services may include summer school, or to community
127 agencies providing child and family services; (2) commit that child to
128 the care and custody of the Commissioner of Children and Families for
129 an indefinite period not to exceed eighteen months; (3) order the child
130 to remain in [his] the child's own home or in the custody of a relative
131 or any other suitable person (A) subject to the supervision of a
132 probation officer or (B) in the case of a family [which] that is a family
133 with service needs solely as a result of a finding that a child is a truant
134 or habitual truant, subject to the supervision of a probation officer and
135 the authorities of the local or regional school district or private school;
136 or (4) if the family is a family with service needs as a result of the child
137 engaging in sexual intercourse with another person and such other
138 person is thirteen years of age or older and not more than two years
139 older or younger than such child, (A) refer the child to a youth service
140 bureau or other appropriate service agency for participation in a
141 program such as a teen pregnancy program or a sexually transmitted
142 disease program and (B) require such child to perform community
143 service such as service in a hospital, an AIDS prevention program or
144 an obstetrical and gynecological program. If the court issues any order
145 [which] that regulates future conduct of the child, parent or guardian,

146 the child, parent or guardian, shall receive adequate and fair warning
 147 of the consequences of violation of the order at the time it is issued,
 148 and such warning shall be provided to the child, parent or guardian, to
 149 [his] the child's attorney and to [his] the child's legal guardian in
 150 writing and shall be reflected in the court record and proceedings. No
 151 such child shall be placed in the Connecticut Juvenile Training School
 152 or in a juvenile detention center but may be ordered to attend
 153 rehabilitative programs specifically designed to meet the mental health
 154 and other specific needs of children in families with service needs.

155 (i) (1) The Commissioner of Children and Families may petition the
 156 court for an extension of a commitment under this section on the
 157 grounds that an extension would be in the best interest of the child.
 158 The court shall give notice to the child and [his] the child's parent or
 159 guardian at least fourteen days prior to the hearing upon that petition.
 160 The court may, after hearing and upon finding that such extension is in
 161 the best interest of the child, continue the commitment for an
 162 additional indefinite period of not more than eighteen months. (2) The
 163 Commissioner of Children and Families may at any time petition the
 164 court to discharge a child, committed under this section, and any child
 165 committed to the commissioner under this section, or the parent or
 166 guardian of such child, may at any time but not more often than once
 167 every six months petition the court [which] that committed the child to
 168 revoke such commitment. The court shall notify the child, [his] parent
 169 or guardian and the commissioner of any petition filed under this
 170 subsection, and of the time when a hearing on such petition will be
 171 held. Any order of the court made under this subsection shall be
 172 deemed a final order for purposes of appeal, except that no bond shall
 173 be required nor costs taxed on such appeal.

174 Sec. 3. Section 46b-149c of the general statutes is repealed and the
 175 following is substituted in lieu thereof:

176 With respect to truancy and other family with service needs cases,
 177 the judicial branch shall:

178 (1) Coordinate and develop appropriate programs and services with
179 other state agencies that establish a continuum of services and
180 programs exclusively for youth in crisis and children in families with
181 service needs;

182 (2) Establish protocols in cooperation with the Office of Policy and
183 Management, the Department of Children and Families and the
184 Department of Education for referral to community-based intervention
185 programs prior to referral of a case to the superior court for juvenile
186 matters;

187 (3) Develop and use procedures to evaluate the risk and service
188 needs of children whose cases have been referred to the superior court
189 for juvenile matters; and

190 (4) Collaborate with community-based programs.

191 Sec. 4. (NEW) (a) The Connecticut Policy and Economic Council
192 shall evaluate the costs and benefits of programs serving juvenile
193 offenders, whether offered by private providers or state or municipal
194 agencies, to determine the cost-effectiveness of such programs in
195 reducing recidivism.

196 (b) There is established an advisory board to be composed of the
197 Commissioner of Children and Families, the Commissioner of
198 Correction and the Chief Court Administrator, or their designees, and
199 the chairpersons and ranking members of the joint standing committee
200 of the General Assembly on judiciary. The advisory board shall assist
201 the council in obtaining from private providers and state or municipal
202 agencies information necessary for the council to perform its
203 evaluation.

204 (c) Notwithstanding any provision of the general statutes
205 concerning the confidentiality of records and information, the council
206 shall have access to, including the right to inspect and copy, any
207 records of private providers offering programs serving juvenile

208 offenders pursuant to a contract with a state agency or the Judicial
209 Department and records of state or municipal agencies as necessary to
210 carry out its responsibilities as provided in this section. Such records
211 shall not be further disclosed by the council.

212 (d) The council shall identify the types of programs that are effective
213 and not effective in reducing criminal offending in a cost-beneficial
214 way. The council shall use uniform data collection and a common
215 methodological approach to compare programs serving juvenile
216 offenders. The evaluation shall include, but not be limited to, a
217 determination of the extent to which each program:

218 (1) Targets diverted and adjudicated juvenile offenders;

219 (2) Includes assessment methods to determine services, programs,
220 and intervention strategies most likely to change behaviors and norms
221 of juvenile offenders;

222 (3) Provides maximum structured supervision in the community
223 using natural surveillance and community guardians such as
224 employers, relatives, teachers, clergy and community mentors to the
225 greatest extent possible;

226 (4) Promotes good work ethic values and educational skills and
227 competencies necessary for the juvenile offender to function effectively
228 and positively in the community;

229 (5) Maximizes the efficient delivery of treatment services aimed at
230 reducing risk factors associated with the commission of juvenile
231 offenses;

232 (6) Maximizes the reintegration of the juvenile offender into the
233 community upon release from confinement;

234 (7) Maximizes the juvenile offender's opportunities to make full
235 restitution to the victims and amends to the community;

236 (8) Supports and encourages increased court discretion in imposing
237 community-based intervention strategies;

238 (9) Is compatible with research that shows which prevention and
239 early intervention strategies work with juvenile offenders;

240 (10) Is outcome-based in that it describes what outcomes will be
241 achieved or what outcomes have already been achieved;

242 (11) Includes an evaluation component; and

243 (12) Recognizes the diversity of local needs.

244 (e) Not later than January 1, 2002, the council shall submit a
245 preliminary report on its activities to the joint standing committee of
246 the General Assembly on judiciary and to the select committee of the
247 General Assembly on children.

Statement of Purpose:

To establish a continuum of services and programs exclusively for children who are in families with service needs; to limit placements in the Connecticut Juvenile Training School; and to evaluate the costs and benefits of programs serving juvenile offenders.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]